

MINUTES

**240th Meeting Contractors' Registration and Licensing Board
August 12, 2009**

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:40 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Dave Caldwell and seconded by Mr. Steven Gianlorenzo.

(C) The minutes of the 238th meeting and statistics from the 239th meeting were approved on a motion by Mr. Arthur Salisbury seconded by Mr. Dave Caldwell.

(D) Court Case Update: July / August 2009

Court Ordered Dispositions

DEFENDANT:	CLAIM#	FINES:	RESTITUTION:	VICTIM:
Sabetta	6278		\$ 7,900	
Demers				
	4401		\$ 1,810	
Kuyatch				

	6809	\$10,700
Ryan		
Charrette	6337	\$ 3,025
McDonald		
Miceli	6775	\$ 21,294.50
Caramadre		

TOTAL FINES and RESTITUTION: \$45,294.50

Contractors' Registration and Licensing Board: July / August 2009

Paying over time

DEFENDANT:	CLAIM#	FINES:	RESTITUTION:
VICTIM:			

Houghton	4024	\$ 11,498.00
Sirois		
Marr		\$ 40.00
Lamphere		
Ogilvie		\$ 140.00
Ziegilersye		

TOTAL FINES and RESTITUTION: \$11,678.00

****** Introduction of Namvar Moghadam "Nami" to the Board ******

The Associate Director of the Department of Administration for the

Division of Capital Projects and Property Management was introduced to the Board by the Executive Director. All the Board members were introduced and the Board discussed their concerns with Nami and opened the door of communication. In the near future the Chairman, Vice-Chair, and the Executive Director for the Board will meet to discuss the operation and ways to improve the services the Board provides with the utilization of the restricted receipt account and the resources available.

(E) Consideration of Cases on Appeal and Oral Argument:

(1.) 12:40 PM, Claim #6610, Nicholson vs. AC Lamothe Millwork, Alfred Lamothe III, registration number 21500, exceptions filed by the Respondent. This matter was continued due to a bankruptcy filing and may be heard at a Board Meeting in the future when the bankruptcy matter has been discharged.

(2.) 1:00 PM, Claim #6945, Mello vs. EHC Construction, Eric Cambio, registration number 16228, exceptions filed by the Respondent. Both parties were in attendance. Even though it was stipulated to and agreed to by the parties at the hearing, the contractor filed exceptions to reduce payments due to his financial circumstances; the homeowner wanted full payment in that the monies owed were due when the decision was rendered. The Board discussed this matter in detail and after several attempts to move on a motion for discussion, Richard Welch made a motion to make payments over time with a

second by Steve Gianlorenzo; with additional input by various Board members the motion was modified, and payments would be made on the 15th of each month starting on September 15, 2009 in the amount of \$500 for the first four consecutive months increasing to \$750 for the next four consecutive months until the amount ordered by the Board was paid in full. The contractor's registration would be conditionally reinstated as long as the scheduled payments were timely made and only the \$1,000 fine imposed, failure to comply would result in suspension of registration, fines and criminal prosecution of the final order issued by the Board. Felix Carlone, the chairman moved the motion and it passed with Tom Furey and Larry Brillion voting in the negative. The decision was:

Upon review of the exceptions filed with the Board, at its August 12, 2009

meeting, and a review of the record, evidence and testimony presented

by both parties at the administrative hearing, the Board reviewed the exceptions filed by the RESPONDENT, Eric Cambio, EHC Construction,

registration #16228, who was in attendance and who presented testimony

as well as the CLAIMANT, Tracy Mello, who also testified to the Board regarding the appeal. The Board, elected to modify

the decision rendered by the hearing officer and hereby

ORDERS the, RESPONDENT, based on the evidence and testimony provided at the administrative hearing, to pay the CLAIMANT the amount of \$5,000.00. Payments must be in the form of a certified check

payable to Tracy Mello & delivered to the Contractors' Registration and Licensing Board in accordance with the following payment schedule:

1st payment of \$500.00 due by September 15, 2009 with three additional

\$500.00 payments due by the 15th of each consecutive month, and then an

increase to \$750 for the next four months until the sum of \$5,000.00 is

paid in full. The contractor's registration will be conditionally reinstated

subject to adhering to this payment schedule, failure on behalf of the

RESPONDENT to comply with this ORDER will result in fines in the

amount of \$2,500.00 being assessed against him for violating Rhode Island

General Law's 5-65-10(a) (12), 5-65-10(a) (11), 5-6-7(a), 5-65-18, &

5-65-10(a) (7) and a fine in the amount of \$5,000.00 being assessed against

him pursuant to RIGL 5-65-10(c)(1) and SUSPENSION

of registration 16228.

Furthermore a fine in the amount of \$1,000.00 is assessed against the

RESPONDENT for violating RIGL's 5-65-3(m) & 5-65-3(j) and a payment

plan on these fines will be established with the executive director of the

board upon completion of the payment plan with the CLAIMANT.

(3.) 1:20 PM, Claim #6953, Kissik vs. Peter Andreozzi, registration #14060, exceptions filed by the Respondent. The homeowner was in attendance but a message on the Boards voice mail system indicated that the contractor had just called to state he would not be in attendance. Questions were asked by many of the Board members regarding the contract and terms. There was no written contract for the work performed. A motion was made by J. Larry Brillon and seconded by Edgar Ladouceur to uphold the decision rendered by the hearing officer. Motion carried with Felix Carlone and Steve Gianlorenzo voting in opposition and Tom Furey abstaining. The decision was:

Upon review of the exceptions filed with the Board, at its August 12, 2009

meeting, and a review of the record, evidence and testimony

presented,

only the CLAIMANT showed for the appeal, the
RESPONDENT called

the office just prior to the appeal and left a message
that he would not be able

to attend administrative appeal. The Board reviewed
the exceptions filed by

the RESPONDENT, Peter Andreozzi, registration
#14060, who was not in

attendance and as well as the CLAIMANT, Michelle
Kissik, who

testified to the Board regarding the appeal. The Board, elected to
uphold

the decision rendered by the hearing officer and hereby ORDERS
the,

RESPONDENT, based on the evidence and testimony provided at the
administrative hearing, to pay the CLAIMANT, Richard Kissik, the
amount

of \$6,055.00 which includes the claim filing fee. Payment is due in
the form

of a certified check or money order upon receipt date of this ORDER.

Furthermore, fines in the amount of \$1,000.00 are assessed against
the

RESPONDENT for violating RIGL 5-65-10(a) (11) & CRLB Rules and
Regulations 4.4 (14). Additionally a fine in the amount of \$9,000.00 is

**assessed against the RESPONDENT pursuant to RIGL 5-65-10(c) (1),
and
registration #14060 is SUSPENDED until such time as
this ORDER
is fulfilled.**

(4.) 1:40 PM, Request from Registrant, Raymond D'Amico, R & D Builders, to have surrendered registration #13318 removed from data bank, currently registered under 18294. This matter was heard by the Board and due to the fact that two registrations were issued to this contractor by staff as sole proprietors a motion was made by Felix Carlone to remove registration 13318 from the Boards records, seconded by Steve Gianlorenzo and unanimously passed.

(5.) 2:00 PM, Claim #6965, Murray vs. VB Construction, Victor Berry Jr., registration #26586, exceptions filed by the Respondent. This matter was continued due to a bankruptcy filing and may be heard at a Board Meeting in the future when the bankruptcy matter has been discharged.

(6.) 2:20 PM, Claim #6919, Rangel vs. Jamie Fontes, Juniors Home Improvements, registration number 31430, exceptions filed by the Respondent. After reviewing the exceptions filed and the decision rendered a motion was made by Felix Carlone and second by Edgar Ladouceur to remand the matter back for a new administrative hearing. Motion carried unanimously.

(7.) 2:40 PM, Claim #6904, Mustafa vs. Giroux, Giroux General Contractor, registration number 21988, Motion filed by the Respondents attorney to vacate the Final Order issued by the Board. This matter was filed in Superior court pending an appeal of the Boards Final Order. Motion filed on behalf of the contractor to vacate the Boards decision. The chairman, Felix Carlone, recused himself from hearing this matter in that he had been a consultant to the homeowner on another matter and turned the meeting over to the Vice Chair Edgar Ladouceur. Both parties were represented by legal counsel and the Respondents attorney presented his case as to why he wished to have the Final Order issued vacated. After much discussion and review of the file and travel of the case, a motion was made by Steve Carlino seconded by Edgar Ladouceur to deny the motion to vacate. Motion carried unanimously and Attoney Grasso, representing the Respondent, wanted to go on record that he objected to the Boards rendering to uphold.

**EXPUNGEMENTS: No Expungements were scheduled due to the length of
the appeal schedule.**

(F) Report of the Executive Director and Staff:

(1) Statistics Report:

08/12/09

Registrations:

Number of Registered Contractors	12208		
Number of Cards Surrendered	47540	Number of Cards	
Expired/Lapsed	14317	Number of Cards Invalidated	984
Number of Cards Suspended	456		
Number of Cards Revoked	76		

Registration Actions

7/08/09-8/12/09

Number of New Registered Contractors	93		
Number of Renewed Contractors	12115		
Number of Cards Surrendered	39		
Registrations Invalidated	70	Registrations Suspended	8
Registrations Revoked	6		

Claims:

Administrative Appeals	8	
Board Appeals	7	
Address Trace	108	
Awaiting Further Action	51	

Court

503

Disposed	5723
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Final Orders	70
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Hearings	50		
Out of State Services	18	Proposed Orders	64
Under Investigation			125
Total Claims Filed with the Board			6727

Number of New Claims 43

7/08/2009-8/12/09

Violations:

Action Against Registration	19	
Non-Registered Subcontractors		10
Advertising	16	
Cancelled Insurance		1115
Notice of Hearing	4	
Non-Registered Contractors		740

TOTAL RECORDS	1904
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Number of New Violations	34	07/08/2009-8/12/09
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Lapsed Registrations/Never Re-Newed:

January 2009	92
February 2009	99
March 2009	91

April	2009	
117		
May	2009	120
June	2009	
111		
July	2009	
95		

Month	# Tickets Issued
Fines	
February	4
\$3,500.00	
March	2
\$ 600.00	
April	8
\$6,250.00	
May	8
\$4,700.00	
June	16
\$5,300.00	
July	6
\$3,250.00	
August	3
\$ 800.00	

Commercial Roofers: 8/12/2009

Number registered 138

Number surrendered 13

Number invalidated 30

Number suspended 0

Number revoked 0

Pending approval 0

Registration Actions; 07/08/2009-8/12/2009

Number of New Registered Contractors 2

Number of Renewed Roofer Contractors 136

Number of Cards Surrendered 0

Number of Expired/Lapsed 0

Registrations Invalidated 0

Registrations Suspended 0

Registrations Revoked 0

(F) Old Business:

(1) Review of Regulations: No changes made due to inability to have meetings because

staff shortages. New meeting date was established for Tuesday September 9, 2009

at 9:00AM in Felix Carlone's office at New England Tech.

(2) Study Commission, is still talking about insurance notification and possible bonding

requirements for all contractors as well as continuing

education requirements

**for commercial roofers but due to legislative session
being continued until**

September no further action has been taken in this regard.

**(3) Web modifications have been changed and official lookup
designation is**

now provided to Board members.

(H) New Business:

**(1) Positions: Currently Status remains the same. Permission has
yet to be**

**granted to post positions, still pending approval by Department
of Administration.**

**(2) Restricted Receipt Account funds still inability to spend due to
fiscal crisis.**

**(3) Budget for the Board is \$1,113,324.82, which include 12
positions.**

**(4) Legislation several bills have been presented and need to be
addressed by**

**the Board ; however, this may not happen until General
Assembly goes back into**

**session in September. Many of the bills have yet to get out of
committee.**

**(5) Computer Software Program (DBR), matter still awaiting
signature and is pending.**

No change to the current status of the bid package.

(6) NASCLA model legislation and brochures still need to be reviewed by the Board

at next Board meeting. Dues for membership for NASCLA (\$475.00) have yet to

be paid which will not allow Rhode Island to vote at the Directors meeting

in September and could have an impact on the Boards Executive Directors

position with NASCLA as the Treasurer.

(7) Travel Policy: The Director of Administration has curtailed out of state travel

even when financed by another party without approval.

(8) Notary approval is still pending for the Executive Director which was submitted

in early July, a \$80.00 fee which was to be paid out of the restricted receipt account.

(9) Board Appointments: Letter sent to the Director of Administration regarding

the need of the Governor to make appointments to the Board for terms

expiring in September.

(10) Continuing Education: Letter from the Builders Association

Director Roger Warren with concerns. Matter referred to Sub-Committee.

(11) New Meeting scheduled provided to members for Board

Meetings 2010.

(12) Home Show in the fall, an invitation to attend without cost to agency.

(13) RI Sail Credit Cards: Still awaiting Boards approval and review.

(14) Mechanics Lien Law: Changes and concerns previously submitted were tabled.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday

September 9th, at 12:30 PM Conference Room

“A”, 2nd Floor, One

Capitol Hill;

(K) Adjournment: A motion was made by Dave Caldwell and seconded by Felix Carlone to

adjourn at 3:55 PM.

Members Present: E. Ladouceur, D. Caldwell, T. Furey, R. Caniglia

R. Welch, JL Brillon, A. Salisbury, F. Carlone, S.

Carlino

and S. Gianlorenzo

Members Absent: B. Calcagni, and E. Anderson both have resigned from the Board and

positions are pending new appointments, R.

Cardoza,

P. Brunetti, and D. Gagnon.

**Others Present: George Whalen (Executive Director), Special
Assistant Attorney General**

**Christine Hetherington (legal counsel),
stenographer, staff and parties for
appeals and motions.**

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board

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Division of Capital Projects and Property Management was introduced to the Board by the Executive Director. All the Board members were introduced and the Board discussed their concerns with Nami and opened the door of communication. In the near future the Chairman, Vice-Chair, and the Executive Director for the Board will meet to discuss the operation and ways to improve the services the Board provides with the utilization of the restricted receipt account and the resources available.

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as well as the CLAIMANT, Tracy Mello, who also testified to the Board regarding the appeal. The Board, elected to modify

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Commercial Roofers: 8/12/2009

Number registered 138

Number surrendered 13

Number invalidated 30

Number suspended 0

Number revoked 0

Pending approval 0

Registration Actions; 07/08/2009-8/12/2009

Number of New Registered Contractors 2

Number of Renewed Roofer Contractors 136

Number of Cards Surrendered 0

Number of Expired/Lapsed 0

Registrations Invalidated 0

Registrations Suspended 0

Registrations Revoked 0

(F) Old Business:

(1) Review of Regulations: No changes made due to inability to have meetings because

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requirements for all contractors as well as continuing

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(3) Web modifications have been changed and official lookup designation is

now provided to Board members.

(H) New Business:

(1) Positions: Currently Status remains the same. Permission has yet to be

granted to post positions, still pending approval by Department of Administration.

(2) Restricted Receipt Account funds still inability to spend due to fiscal crisis.

(3) Budget for the Board is \$1,113,324.82, which include 12 positions.

(4) Legislation several bills have been presented and need to be addressed by

the Board ; however, this may not happen until General Assembly goes back into

session in September. Many of the bills have yet to get out of committee.

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(14) Mechanics Lien Law: Changes and concerns previously submitted were tabled.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday

September 9th, at 12:30 PM Conference Room

“A”, 2nd Floor, One

Capitol Hill;

(K) Adjournment: A motion was made by Dave Caldwell and seconded by Felix Carlone to

adjourn at 3:55 PM.

Members Present: E. Ladouceur, D. Caldwell, T. Furey, R. Caniglia

R. Welch, JL Brillon, A. Salisbury, F. Carlone, S.

Carlino

and S. Gianlorenzo

Members Absent: B. Calcagni, and E. Anderson both have resigned from the Board and

positions are pending new appointments, R.

Cardoza,

P. Brunetti, and D. Gagnon.

**Others Present: George Whalen (Executive Director), Special
Assistant Attorney General**

**Christine Hetherington (legal counsel),
stenographer, staff and parties for
appeals and motions.**

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board